

## **RESPONSE**

In response to the Office Action of July 12, 2004, applicant has amended claims 1- 9 to overcome the rejections under 35 U.S.C. 112 and 35 U.S.C. All claims have been amended. A two month extension of time is requested.

## **DRAWINGS**

No drawing changes have been made. The limitation of support studs has been eliminated from the claims.

## **CLAIM REJECTIONS - 35 U.S.C. 112**

Claims 3, 7, and 8 were rejected under 35 U.S.C. 112 as being indefinite for failing to describe or illustrate the term support stud. The term support stud has been eliminated from the claim thus eliminating need for a the rejection under 35 U.S.C. 112.

## **REJECTIONS UNDER 35 USC 103**

Claims 1, 2, 4-5, 7 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Robell (5842280) in view of Durr (6460841). Claims 1, 2, 4, 5, 7 and 9 have been amended to overcome the rejection under 35 U.S.C. 103. The amended claims now render the claims in condition for allowance.

Durr 6,460,841 discloses a modular cutting board for pastry. Durr suggests the use of high molecular high density polyethylene. Unfortunately, there is no structure to prevent the board of Durr from warping. Without a strong backer, the board from Durr will warp over time and must be discarded. Durr has not discovered the field problems associated with high molecular high density polyethylene. Durr is not using the disclosed board for use with cementitious products and accordingly, could not have experienced the need for a backer for use in the field.

Kroenke 5,386,654 discloses a cutting board for knit fabrics. A cushioned foam backing is provided to assist the user during cutting. The board makes no reference to a sheet of high molecular high density polyethylene. The use of foam teaches away from applicant's invention

as hardness and less permeability are the key features of a sheet of high molecular high density polyethylene. Moreover, if Kroenke considered using HDPE, the foam backing would lack the structure to prevent warping.

Robell 5,842,280 is directed to a gridded measurement tool. There is no disclosure of a sheet of high molecular high density polyethylene in the description of the invention. The measurement tool grid is printed on the tool. Such a system could not print onto applicant board due to the tough characteristics of the high molecular high density polyethylene.

The above identified claims are directed to a masonry board used for measuring and cutting stone. The materials used to manufacture the composite are the essence of the invention. No art of record describes a masonry board which utilizes of a sheet of high molecular high density polyethylene. Polyethylene per se is not the same material. Typically, polyethylene has a maximum use temperature of 80 C with permeability of N<sub>2</sub>-20 O<sub>2</sub> 60 and CO<sub>2</sub> 280. HDPE has a maximum use temperature of 120 C and a permeability of n<sub>2</sub> 3 O<sub>2</sub> 10 and CO<sub>2</sub> of 45. Constant exposure to Portland cement and other adhesives will cause a breakdown in polyethylene but not in HDPE. Applicant has discovered the use of the HDPE for use with cementious products to

overcome the problems associated with typical polyethylene.

The masonry board of the present invention is usually supported in the field by a pair of saw horses or as referred to in the original claims as support studs. No illustration is provided in the drawings because such a support for a field table is well known in the construction field.

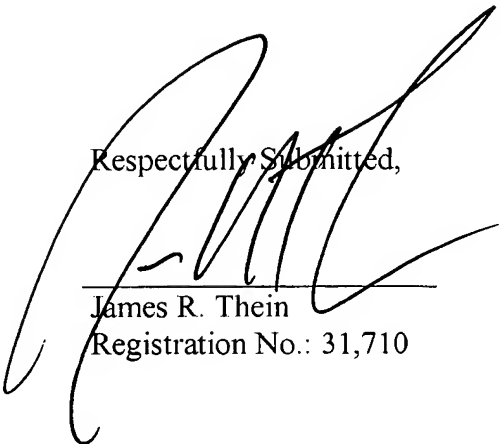
In light of the currently amended claims, applicant believes that the amended claims are now in condition for allowance. Optionally, if the Examiner feels that an Examiner's amendment could put the case in condition for allowance, please feel free to call the undersigned attorney of record.

Please debit deposit account 500398 for any fees.

Date:

12/13/04

Respectfully Submitted,

  
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